

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**DANIEL N. HALTER,
Plaintiff,**

v.

**SUPERINTENDENT JEFFREY
NEWTON, et al,
Defendant(s),**

Civil Action No. 7:21-cv-00022

MEMORANDUM OPINION

**By: Thomas T. Cullen
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. §1983.

By order entered January 15, 2021, the court directed plaintiff to submit, within 20 days from the date of the order, a statement of assets, an inmate account form, and a certified copy of plaintiff's trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that six-month period. Plaintiff was advised that failure to comply would result in dismissal of this action without prejudice. On February 16, 2021, plaintiff submitted the inmate account form signed by the trust officer; however, he only submitted the monthly statement for January, which was not one of the required six-month statements preceding the filing of the complaint. On February 25, 2021, the court gave plaintiff another opportunity to comply with the conditions set forth in the January 15, 2021, order. On March 8, plaintiff once again only sent in the inmate account form signed by the trust officer and again only included the month of January and not the other required six-month statements of July through December which were the months preceding the filing of the complaint.

After being given two opportunities to comply with the court's order, plaintiff has failed to comply with the described conditions. Accordingly, the court will dismiss this action without

prejudice and strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTERED this 23rd day of March, 2021.

/s/ Thomas T. Cullen

United States District Judge